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OFFICE OF PETITIONS

In re Application of	:
Handa, et al.	:
Application No. 09/692,029	: DECISION GRANTING PETITION
Filed: September 19, 2000	: AND WITHDRAWING THE
Attorney Docket No. ICOR-002-CIP	: HOLDING OF ABANDONMENT
	:

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181", filed January 18, 2006, which is being treated as a petition under 37 CFR 1.181.

The petition under 37 CFR 1.181 is GRANTED.

The holding of abandonment is WITHDRAWN.

The above-identified application became abandoned for failure to timely file a response to the non-final Office action mailed August 25, 2004. This Office action set a shortened statutory period for reply of three (3) months. No response having been received, the above-identified application became abandoned on November 26, 2004. A Notice of Abandonment was mailed on March 14, 2005.

Petitioner asserts that he did file a timely response. In support thereof, petitioner has submitted a copy of the response, together with a postcard receipt, itemizing a "Response/Amendment", and bearing a USPTO date stamp dated January 10, 2005. However, the postcard receipt and the response were directed to application no. 09/629,029 not 09/692,029. A review of the response reveals that it contained an authorization to charge a two month extension of time to the deposit account.

As set forth in the Manual of Patent Examining Procedure § 724.05:

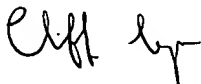
Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g. **application number, filing date, title of invention and inventor(s) name(s)**), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

Here, the response contained the incorrect application number. However, it did contain the correct filing date and the last name of the first inventor. The title of the invention was missing. Accordingly, it is concluded that the Office could have determined the correct application file for which the response was intended.

Given the basis for granting this petition, no petition fee was required, and none has been charged. However, Deposit Account No. 19-2385 has been charged the sum of \$210 for the two month extension of time.

The matter is being forwarded to Group Art Unit 3628 for consideration of the response filed January 10, 2005 (copy re-supplied with the petition filed January 18, 2006).

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions